

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(San Francisco venue)**

UNITED STATES OF AMERICA)	
)	
v.)	Docket No.
)	CR 07-0328-01 MHP
ERNESTO R. RODRIGUEZ)	

**WITHDRAWAL OF DEFENDANT'S REQUEST
FOR DECLARATION OF RULE 11(c)(1)
CALIFORNIA PENAL CODE VIOLATION**

The request for a declaration of the California Penal Code violation conduct underlying the charge to which Mr. Rodriguez pleaded and was sentenced on January 7, 2008, is herewith withdrawn by defendant.

Dated: January 10, 2008

Respectfully submitted,
GAYLE GUTEKUNST
ROBERT AMPARAN
Attorneys for Ernesto Rodriguez

/s/ GAYLE GUTEKUNST
By Gayle Gutekunst

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of January, 2008, I served the foregoing WITHDRAWAL OF DEFENDANT'S REQUEST FOR DECLARATION OF RULE 11(c)(1) CALIFORNIA PENAL CODE VIOLATION on the United States Attorney for the Northern District of California by email addressed as follows:

Derek Owens, Special Ass't U.S. Attorney
Derek.Owens@usdoj.gov

and that I served a copy on U.S. Probation for the Northern District of California by faxing a copy to

Ms. Cheryl Simone, US Probation for the Northern District of California at 415-436-7572.

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